

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**JOHN ST. ROSE and ROSALINE ST.
ROSE,**

Plaintiffs,

v.

**MOBILE PAINT MANUFACTURING
COMPANY OF DELAWARE d/b/a
THE NEW PAINT LOCKER,
SEALOFLEX CHEMICAL, INC.,
SEALOFLEX SALES, INC., and
SEALOFLEX PROPERTIES, INC., and
MOBILE PAINT CARIBBEAN, INC.,**

Defendants.

2004-CV-0114

**TO: Lee J. Rohn, Esq.
Wilfredo A. Geigel, Esq.
Michael J. Sanford, Esq.**

ORDER DENYING PLAINTIFFS' MOTION FOR SANCTIONS

THIS MATTER came before the Court for consideration upon Plaintiffs' Motion For Sanctions For Failure to Obey the Court's Order Dated December 4, 2007 (Docket No. 186). Defendants Mobile Paint Manufacturing Company of Delaware d/b/a The New Paint Locker and Mobile Paint Caribbean, Inc., filed an opposition to said motion, and Plaintiffs filed a reply thereto.

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Plaintiffs request sanctions for said Defendants' failure to supplement certain responses to interrogatories and produce certain documents in accordance with the Court's Order dated December 4, 2007. Said Defendants assert that its noncompliance was not intentional, but was the result of the complexity in obtaining the information and documents at issue. Said Defendants request additional time to obtain the information.

Being thus advised in the premises and being satisfied therein, the Court finds that some sanctions are warranted. While the Court finds that the delay in compliance with the Court's order is not the result of bad faith, when said Defendants realized that additional time would be necessary to obtain the information and that compliance within the time specified in the said order was not possible, it was incumbent upon said Defendants to so inform the Court and request additional time, instead of waiting until their opposition to Plaintiffs' motion for sanctions.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiffs' Motion For Sanctions For Failure to Obey the Court's Order Dated December 4, 2007 (Docket No. 186) is **GRANTED**.
2. Defendants Mobile Paint Manufacturing Company of Delaware d/b/a/ The New Paint Locker and Mobile Paint Caribbean, Inc., shall pay to Plaintiffs' counsel and file notice thereof with the Court, the amount of **\$800.00** as and

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for Plaintiffs' attorney's fees for said motion for sanctions, within ten (10) days from the date of entry of this order.

3. Defendants shall provide to Plaintiffs' counsel the previously-ordered supplemental discovery, which is the subject of Plaintiffs' said motion for sanctions, on or before **February 25, 2008**.
4. Plaintiffs shall be granted an extension until **March 21, 2008**, to complete and produce their expert reports.

ENTER:

Dated: February 19, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE